

HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HP TUNERS, LLC, a Nevada limited liability company,)	NO. 3:17-cv-05760-JRC
)	
Plaintiff,)	MOTION TO MODIFY EXPERT
)	DISCLOSURE DEADLINES
vs.)	
)	NOTE ON MOTION CALENDAR:
KEVIN SYKES-BONNETT, SYKED ECU TUNING INCORPORATED, a Washington corporation, and JOHN MARTINSON,)	July 27, 2018
)	
Defendants.)	

NOW COMES Plaintiff HP Tuners, LLC ("HPT") for its Motion to modify Expert Disclosure Deadlines entered in this case. In support thereof, Plaintiff states as follows:

1. On December 26, 2017, this Court entered a Scheduling Order.
2. Since that time, the parties have been engaged in written discovery.
3. On July 13, 2018, Defendants finally produced documents in response to Plaintiff's document requests, which had been outstanding for several months.
4. Since that time, Plaintiff has working expeditiously to review the documents produced. Based on Plaintiff's review to date, the document production is incomplete and insufficient in several material respects. For example, specific documents relating to the Defendants' software at issue have not been produced. Once Plaintiff has completed the review

1 of the document production, Plaintiff will attempt to engage in a meet and confer regarding the
2 insufficiency of the production.

3 5. In connection with oral discovery, Plaintiff has been seeking dates for the
4 depositions of Defendants Kevin Sykes-Bonnett and John Martinson since April 2018.

5 6. While Defendants had offered dates in July for the depositions, counsel for
6 Plaintiff was not available to take the depositions on those dates and Plaintiff had not received
7 Defendants' documents in response to Plaintiff's document requests until July 13, 2018.

8 7. Now, counsel for Defendants has advised that Defendants Kevin Sykes-Bonnett
9 and John Martinson are not available for depositions until late September 2018. Plaintiff is
10 attempting to schedule the depositions for September 25, 2018 and September 26, 2018.

11 8. The Scheduling Order provides that Expert Witness Disclosure/Reports under
12 FRCP 26(a)(2) are due by July 23, 2018 and Rebuttal Expert Disclosure/Reports are due by
13 August 22, 2018.

14 9. Given Defendants' (incomplete) document production last week on July 13, 2018
15 and that the depositions of Defendants Kevin Sykes-Bonnett and John Martinson will not be
16 proceeding until late September 2018, Plaintiff requests that the Expert Disclosure Deadline and
17 the Rebuttal Expert Disclosure Deadline be extended to October 15, 2018 and November 15,
18 2018, respectively.

19 10. It is necessary for Plaintiff to obtain compliance with the document requests and
20 to take the depositions of the Defendants in order to prepare and provide its expert disclosures.

21 11. Plaintiff does not request modification of any of the other deadlines set forth in
22 the Scheduling Order.

23 12. On July 18, 2018, Counsel for Plaintiff conferred with counsel for Defendant
24 regarding this issue and counsel for Defendant did not agree to a modification of these deadlines.
25

CERTIFICATE OF SERVICE

I hereby certify that on July 18, 2018, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all Counsel of Record.

HEURLIN, POTTER, JAHN, LEATHAM,
HOLTMANN & STOKER, P.S.

s/ Stephen G. Leatham

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